

# TIGARD MUNICIPAL CODE

## Chapter 9.06 TREES ON CITY PROPERTY.

### Sections:

- 9.06.010 Purpose.**
- 9.06.020 Definitions.**
- 9.06.030 Tree Planting on City property.**
- 9.06.040 Tree Care and Maintenance on City property.**
- 9.06.050 Tree Protection.**
- 9.06.060 Removal of Hazardous Trees from City property.**
- 9.06.070 Tree Removal and Replanting.**
- 9.06.080 Enforcement.**

### **9.06.010 Purpose.**

(1) Value of Trees. The City of Tigard recognizes that trees are vital components of the urban forest environment. Trees reduce air, water, soil and noise pollution, provide energy-reducing shade, control erosion, supply oxygen to breathe, provide habitat for wildlife, enhance quality of life and property values in every community, and are sources of pride for the entire city.

#### (2) Purposes.

(A) To provide guidance for the planting, maintenance and protection of trees on City property; and

(B) To provide a priority system for removal of hazardous trees from City property;

(C) To ensure the protection of trees during the development of properties on City property.

(3) Authority to Adopt a Tree Manual. The City Council may adopt by resolution a Tree Manual implementing the provisions of this Chapter and providing detailed standards for tree planting, maintenance, protection and removal on City property.

### **9.06.020 Definitions.**

The following definitions apply in this chapter:

(1) City Forester. Under the direction of the Public Works Director is responsible for planning, developing and implementing a comprehensive urban forestry program, and providing community education and advice in support of urban forestry activities.

(2) City Property. “City property” includes all land owned by the City and all lands dedicated to the public and administered by the City, including but not limited to City right of way and City parks.

(3) City-owned Property. City property other than the right of way.

(4) Hazardous Tree. A tree which by reason of disease, infestation, age or other condition presents a known and immediate hazard to persons or to public or private property.

(5) Mitigation. Methods of tree replacement, direct costs, and/or retention used to lessen the environmental impact of development.

(6) Removal. The cutting or removing of 50 percent (50%) or more of a crown, trunk, or root system of a tree, or any action which results in the loss of aesthetic or physiological viability or causes the tree to fall or be in immediate danger of falling.

(7) Street Tree. Any tree that is growing along a street within the public right of way.

(8) Street Tree List. A list of approved tree species that may be planted within the public right of way.

# TIGARD MUNICIPAL CODE

(9) Tree. A standing woody plant having a trunk(s) two inches or more in diameter when measured four and a half feet from the ground. If the tree is on a slope, the measure is taken on the uphill side.

(10) Tree Manual. The manual governing tree planting, care, maintenance and removal adopted by the City by resolution pursuant to section 9.06.010.

## 9.06.030 Tree Planting

### (1) Tree Planting:

(A) No person other than the City shall plant a tree on City property without the written approval of the Public Works Director or designee. In approving tree plantings, the Public Works Director or designee may impose conditions of approval;

(B) Any City department responsible for City property shall consult with the Public Works Director or designee before planting trees on City property;

(C) The Public Works Director or designee may grant approval of tree-planting on City property under subsection a of this section only if the applicant has submitted a tree plan showing compliance with the standards set forth in the Tree Manual, and has signed a maintenance agreement consistent with the standards set forth in the Tree Manual. The requirement for a maintenance agreement may be waived if the tree-planting is voluntary and not required by any City code provision or condition of approval;

(D) All tree plantings on City property shall be undertaken in a manner consistent with the approval of the Public Works Director or designee and the standards set forth in the Tree Manual;

(E) Only trees listed in the Street Tree List or those specifically approved by the Public Works Director or designee may be planted as street trees.

## 9.06.040 Tree Care and Maintenance

### (1) General Provisions

(A) All trees planted pursuant to the written approval of the Public Works Director or designee under Section 9.06.040 shall be cared for and maintained according to the standards set forth in the City Tree Care Manual.

## 9.06.050 Tree Protection

(1) Care of Trees on City Property. The City shall follow the Tree Manual in caring for and protecting trees on City property.

(2) These requirements shall provide for the proper protection of tree roots, trunk(s) (or stem(s)), branches, and foliage within a tree's critical root zone for any tree on City property during any type of construction activity or project (excavation, demolition or any other type of disturbance);

## 9.06.060 Removal of Hazardous Trees from City Property

### (1) Removal Priority

(A) When any person reports to the Public Works Director or designee that a tree on City property is hazardous, the Public Works Director, or appointed designee, shall evaluate the condition of the tree. The Public Works Director or designee shall establish a removal priority among trees determined to be hazardous and the City shall proceed with removal of hazardous trees from City property according to the priority established by the Public Works Director or

# TIGARD MUNICIPAL CODE

designee, subject to the availability of financial and other resources.

## (2) Removal of Hazardous Trees

(A) The removal of hazardous trees from City property shall be performed by City of Tigard employees or contracted commercial tree care companies with experience in tree removal. The Public Works Director or designee shall provide guidance as to the disposition of any wood or debris from any tree removal on City property.

## **9.06.070          Removal of Trees from City Property**

(1) Removal of Trees from City Property other than Right of Way Prohibited. No person other than the City or a person acting under contract with the City shall remove a tree from any City park or any City-owned property without written approval of the Public Works Director or designee. Any person removing a tree from City property other than right of way shall provide mitigation as specified in the Tree Manual.

(2) Removal of Trees from Right of Way. No person other than the City or a person acting under contract with the City shall remove a tree from any City right of way without written approval of the Public Works Director or designee. As part of the written approval for tree removal from right of way, the Public Works Director or designee shall require mitigation as specified in the Tree Manual.

(3) Removal of Wood or Tree Debris from City Property. No person shall remove wood or tree debris from City property without written approval of the Public Works Director or designee, provided however that the Public Works Director or designee may retroactively approve removal of wood or tree debris from City property

if the removal was under emergency circumstances. This section does not prohibit clearing of paths or other clean-up that leaves wood or tree debris on City property.

## **9.06.080          Enforcement**

(1) The Public Works Director or designee may do any or all of the following if there is reason to believe a violation of this chapter has occurred:

(A) Issue a stop work order pursuant to Tigard Development Code section 18.230;

(B) Issue a civil infraction citation pursuant to Tigard Municipal Code Chapter 1.16;

(C) Take any other action allowed by law to abate or obtain compensation for the violation. ■ (Ord. 02-34)